



THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-4000

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FORCE MANAGEMENT
AND PERSONNEL

MEMORANDUM FOR CIVILIAN PERSONNEL OFFICES

SUBJECT: Civilian Assistance and Re-Employment (CARE) Program
Implementing Instructions

This forwards the subject instruction which is effective immediately, and supersedes all previous instructions. It will be printed and distributed as subchapter 7, of Chapter 16, Force Management, of the Department of Defense (DoD) Civilian Personnel Manual as soon as possible. Additionally, within a few weeks, you will receive a supply of the CARE brochure.

As you implement these policies, we encourage you to communicate and cooperate with representatives from your labor and employee organizations. Questions regarding the interpretation or application of the attached instruction should be directed to the appropriate CARE Zone Office staff, who now have responsibilities for drawdown issues.

Ronald P. Sanders
Principal Director
Office of Civilian Personnel Policy
and Equal Opportunity

Attachment:
As Stated

SUBCHAPTER 7
CIVILIAN ASSISTANCE AND RE-EMPLOYMENT (CARE) PROGRAM

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Section A - General Provisions. The following provisions apply to all aspects of the Department of Defense's Civilian Assistance and Re-Employment (CARE) program, unless otherwise specifically indicated.

1. Purpose. This subchapter establishes policy, delegates authority, assigns responsibilities, and prescribes procedures for the DoD CARE program. It addresses civilian separation incentives, retraining and outplacement assistance, transition entitlements and benefits, and continuity of operations during drawdown and closure.

2. Coverage. This subchapter applies to the Office of the Secretary of Defense (OSD); the Military Departments (including their National Guard and Reserve components); the Chairman, Joint Chiefs of Staff and Joint Staff; the Inspector General of the Department of Defense (IG, DoD); the Defense Agencies and DoD Field Activities; and the OSD Director of Administration and Management. This subchapter does not apply to nonappropriated fund (NAF) employees and non-U.S. citizen workers unless otherwise stated.

3. Responsibilities.

a. The Deputy Assistant Secretary of Defense (Civilian Personnel Policy and Equal Opportunity) (DASD(CPP/EO), or designee, shall issue CARE policies and procedures, and monitor their implementation and effectiveness.

b. The DoD Comptroller and the Head of the Defense Finance and Accounting Service shall prescribe implementing financial instructions consistent with the policies and procedures outlined in this subchapter.

c. The Secretaries of the Military Departments, Directors of Defense Agencies and DoD field activities with independent appointing authority, and the OSD Director of Administration and Management shall issue internal implementing guidance and insure compliance with the provisions of CARE.

d. Installation commanders, or management officials with delegated appointing authorities, shall issue operating procedures necessary to carry out delegated personnel management authorities outlined in the CARE provisions found in this subchapter.

4. Bargaining Obligations. Installations must satisfy their bargaining obligations under title 5 United States Code (USC), chapter 71 prior to changing or establishing policies or procedures generated by this manual. Unions must receive advance notice of the changes, and the changes ordinarily may not be implemented until bargaining is completed. Where changes

(b) Separation pay will be offered at least 30 days before RIF notices are issued at DoD installations undergoing RIF or closure where the acceptance of an incentive will avoid or minimize the need for involuntary separations.

(c) Normally, separation pay will be offered at other DoD installations where the acceptance of an incentive will, through subsequent placement or job abolishment, avoid the need for a RIF separation.

(2) Separation pay is a lump sum incentive equivalent to an employee's severance pay entitlement up to a maximum of \$25,000 paid upon the voluntary resignation, early retirement or optional retirement of designated eligible employees. The amount of separation pay is not discretionary. Civilian Personnel Offices (CPOs) will calculate the amount using the severance pay formula in 5 USC 5595(c).

b. Authority

(1) Component heads are delegated the authority to offer resignation, early retirement, and optional retirement incentives to employees in occupational series, grades and/or locations that they designate, in accordance with the above policy. A cost analysis must be completed before incentives are approved (format at Attachment 1). This authority should be redelegated to the lowest practicable level.

(2) Early retirement incentives require Voluntary Early Retirement Authority (VERA) approved by the Office of Personnel Management (OPM). VERA requests will be processed through ODASD(CPP/EO) in accordance with FPM Supplement 351-1, Appendix B.

(3) The offer of incentives may be expanded to employees of other Components by ODASD(CPP/EO), in coordination with the affected Components.

(4) Component heads are delegated authority to approve NAF separation pay plans that generally comply with the provisions herein (e.g., provisions such as VERA which do not apply to NAF employees may be excluded from the NAF separation pay plan). Incentives for NAF employees must be paid from nonappropriated funds.

c. Employee Eligibility and Conditions.

(1) Only U.S. citizen employees defined by 5 USC 5597, and corresponding NAF employees are eligible for separation pay. In addition, employees:

(a) Must be serving under an appointment without time limitation, and must have been employed by the Federal Government for a continuous period of at least 12 months,

(8) Where the number of employees applying for separation pay exceeds the number of offers available and it has been determined that the use of separation pay for any group of employees will result in the avoidance of an involuntary separation, applications within that group will be processed in order of seniority using the Service Computation Date (SCD) for leave.

(9) Early retirement incentives may be offered only in conjunction with VERA. OPM strictly limits the number of early retirements authorized at any installation. VERA authority automatically expires when those limits are reached. When an employee's planned early retirement effective date is after the automatic expiration date, the installation must give the employee an opportunity to retire immediately; otherwise, the early retirement is voided.

d. Procedures

(1) Coordination and Approval.

(a) As part of the required submission of the annual Civilian Employment Plan to the ASD(FM&P), Component heads will include information regarding projected incentive offers involving 50 or more employees or more than one location. The information should include, location(s), number of employees, grades and occupational series, types of incentives offered and scheduled dates of availability, where possible. Revisions or additions to this information must be provided to ASD(FM&P) in advance of any incentive offer. These plans will be used as a basis for allocating any funds budgeted and/or appropriated for civilian separation pay.

(b) When a Component offers incentives to 50 or more employees at a single installation, or to employees at more than one location, the Component must notify the appropriate CARE Zone Office.

(c) Components must offer incentives at least 30 days in advance of the issuance of RIF notices at a particular installation. RIFs involving 50 or more involuntary separations must be approved by the ASD(FM&P) prior to announcement or issuance of RIF notices.

(d) Not later than 30 days after the issuance of RIF notices at a particular installation, the Component will provide ODASD(CPP/EO) with a plan to expand the offer of incentives to other DoD installations in order to create vacancies for the placement of employees scheduled to be separated. Expanded offers, whether within or between Components, should first be made to DoD employees within the commuting area to minimize PCS costs. Before approving requests to expand offers between Components, ODASD(CPP/EO) will coordinate with the affected Components(s).

surplus skill category who is subject to RIF. Eligible employees are responsible for applying for vacant positions in other Federal agencies, and for advising those agencies of the outplacement subsidy available to them. For eligible employees who register in the Defense Outplacement Referral System (DORS) and/or the OPM's assistance programs for displaced employees, the availability of an outplacement subsidy shall be indicated in their registration record. The CPO shall give eligible employees information about the subsidy to include with their job applications. A sample is provided in attachment 1.

Section C - Retraining and Additional Outplacement Assistance. The following provisions insure that DoD employees facing involuntary separation are offered retraining and assistance in obtaining employment outside the Federal government. In this regard, these employees may be provided early retraining and transition assistance under the Job Training Partnership Act (JTPA). In addition, DoD requires that certain contractors give separated DoD employees hiring preference if they are otherwise qualified for vacant positions with those contractors.

1. Early Release of JTPA Funds. Generally, the Department of Labor offers JTPA funds to employees who have received a notice of involuntary separation; those funds provide for retraining, relocation, and transition assistance and are passed to employees through the appropriate State Employment Services Office. Under the conditions specified below, JTPA funds may be released to assist DoD employees in advance of the issuance of separation notices. JTPA provisions also apply to NAF employees.

a. In all cases, installation commanders, or designee, are responsible for contacting the appropriate State Employment Services Office to insure DoD employees receive JTPA assistance at the earliest opportunity. The CPO is responsible for providing employees information about JTPA and evidence of eligibility.

b. Employees assigned to DoD installations approved for closure or realignment may apply for JTPA assistance up to 24 months in advance of the effective date of the closure or realignment. These employees do not need a Certificate of Expected Separation during this 24 month period.

c. Any DoD employee may apply for JTPA assistance upon receipt of a Certificate of Expected Separation under 5 CFR 351.807. Certificates of Expected Separation may be issued by CPOs to employees in surplus skill categories up to six months prior to the planned effective date of a RIF. Sample Certificates of Expected Separation, including one for NAF employees, are provided at Attachment 1.

2. Hiring Preference for Certain Contractor Jobs. In accordance with Subpart 222.71 of the Defense Acquisition

retirement and/or FEHBP annuitant coverage. All leave available in an employee's annual leave account may be used for this purpose.

b. The installation CPO shall identify eligible employees and provide them with information concerning this entitlement, including applicable conditions and waiver procedures (a sample notice is provided at Attachment 1). Defense Civilian Personnel Data System (DCPDS) users will be provided with a standard identification Direct English Statement Inquiry (DESIRE). The employing Component is responsible for funding any expenditures associated with this entitlement and for carrying an eligible separated employee, unless that employee waives this entitlement in writing.

2. Temporary Continuation of Health Insurance. The Department will pay the government's share of a separated employee's health insurance premium (and any applicable administrative fee) for a period of up to 18 months from the effective date of the employee's RIF separation (or comparable action noted below).

a. This provision applies to employees who are otherwise enrolled in FEHBP at the time of their separation and who are involuntarily separated by RIF; or who resign or retire after receipt of a RIF separation notice; or who served on a temporary appointment that was terminated or allowed to expire as a result of RIF, and who received a government contribution to their FEHBP coverage while serving on that appointment. This entitlement expires on September 30, 1997 (unless an employee receives notice of RIF separation on or before that date, in which case the entitlement expires on January 31, 1998).

b. The servicing CPO shall include the following information on the Health Benefits Registration Form (SF 2809):

Self, DoD-RIF, Involuntary Separation, P.L. 102-484 5 USC 8905(d)); separation date: (enter date); last day of pay period: (enter date); Agency Code: (enter four digit code); Appropriations Code: (enter nine digit code).

c. The employing Component is responsible for funding this entitlement. In the case of a closing installation, the installation's Component is responsible for furnishing written notice to the National Finance Center of the successor personnel office designated to receive enrollment information and advise separated enrollees. Notification must be prior to the first day of the month in which the successor personnel office becomes responsible.

Section E - Continuity of Operations During Closing. The following provisions insure that the Department's closing installations are able to acquire and/or retain the human resources necessary to continue mission-essential functions while minimizing adverse employee impact. They establish the means for filling critical

a. Generally, vacancies at a closing installation can only be filled by temporary appointment within 24 months of closure date. However, where the installation's parent Component provides the affected employee with a written guarantee of post-closure reassignment to another installation, and the employee agrees in writing to remain at the closing installation until released, such positions can be filled permanently. The closing installation shall retain the post-closure reassignment and mobility agreements. Employees can not be placed into the vacancy under this provision from outside the commuting area, unless the Stopper List is cleared. Post-closure placements effected under this provision are not subject to the PPP.

b. Guaranteed post-closure placement is not required where the affected employee is eligible for optional retirement on the date of closure; or discontinued service retirement at least 12 months prior to the date of closure. Where the candidate will become eligible for discontinued service retirement less than 12 months prior to the date of closure, OPM must determine that the placement will not affect such eligibility.

(1) The closing installation submits a request for determination to the cognizant OPM Region, with a copy to the appropriate DoD CARE Zone Office. The request shall include a description of the vacancy's critical nature, the lack of qualified candidates, and shall certify that the placement is not being made solely for the purpose of arranging eligibility for discontinued service retirement and/or an Alternative Form of Annuity.

(2) If the candidate will become eligible for discontinued service retirement less than 12 months prior to closure but is already in receipt of a RIF separation notice issued by another installation, an OPM determination is not required.

4. Job Exchanges. Under certain conditions, DoD has waived applicable provisions of the PPP to permit an employee at a closing installation to exchange jobs with another employee at an installation not affected by RIF or closure.

a. Closing installations announce the availability of positions for job exchange through the PPP electronic bulletin board; such positions must be certified as continuing for at least 12 months. All installations not scheduled for closure are required to post job exchange opportunities along with other vacancy announcements.

(1) The gaining installation decides whether an exchange candidate is qualified to perform the duties of the position in question. Both installations must agree to the exchange.

Section F - CARE Brochure. This brochure is designed to help employees maximize their opportunities for employment by providing practical steps in finding jobs and by encouraging the use of a number of employment placement programs available to them. The printed brochure looks different from the one included in this manual; however, the wording is the same. Initial distribution automatically provides copies of the printed brochure to each CPO.

AUTHORITIES and REFERENCES

1. Civilian Separation Pay: 5 USC 5597; section 4436 of P.L. 102-484, The National Defense Authorization Act for Fiscal Year 1993.
2. Outplacement Subsidy: 5 USC 5724(e); DoD 1400.20-1-M, DoD Program for the Stability of Civilian Employment; DoD Civilian Personnel, Joint Travel Regulation (JTR), Volume 2, C1052.
3. Early Release of JTPA Funds: Economic Dislocation and Worker Adjustment Assistance Act, 29 USC 1651 et seq.; 5 CFR 351.801; 5 CFR 351.807; section 4467 of P.L. 102-484, The National Defense Authorization Act for Fiscal Year 1993.
4. Hiring Preference for Certain Contractor Jobs: Defense Acquisition Regulation, Subparts 222.71 and 252.2.
5. Extended Employment for Retirement and/or Health Benefits: 5 CFR 351.608(c)(2).
6. Temporary Continuation of Health Insurance: 5 USC 8905a(d); 5 CFR 890, subpart K; section 4438 of P.L. 102-484, The National Defense Authorization Act for Fiscal Year 1993.
7. Waiver of Dual Compensation Restrictions: 5 USC 5532; 5 CFR 550.601-550.603; 5 CFR 553.201-553.203; FPM Ltr 553-3, May 20, 1991.
8. Job Exchange: DoD 1400.20-1-M, DoD Program for the Stability of Civilian Employment.
9. Reassignment or Promotion to Critical Vacancies: DoD 1400.20-1-M, DoD Program for the Stability of Civilian Employment.
10. Annual Leave Savings: 5 USC 6304(d); section 4434 of P.L. 102-484, The National Defense Authorization Act for Fiscal Year 1993; 5 CFR 630, subpart C; 5 USC 5551, 5552.